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1807: 47 George 3 sess. 1 c.36: Abolition of Slave Trade

1807: 47 George 3 session 1 c.36: An Act for the Abolition of the Slave Trade

[25th March 1807.]

I. Whereas the Two Houses of Parliament did, by their Resolutions of the tenth and Twenty-fourth days of June One Thousand eight hundred and six, severally resolve, upon certain Grounds therein mentioned, that they would, with all practicable Expedition, take effectual Measures for the Abolition of the African Slave Trade in such Manner, and at such Period as might be deemed advisable And whereas it is fit upon all and each of the Grounds mentioned in the said Resolutions, that the same should be forthwith abolished and prohibited, and declared to be unlawful; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of May One thousand eight hundred and seven, the African Slave Trade, and all and all manner of dealing and trading in the Purchase, Sale, Barter, or Transfer of Slaves, or of Persons intended to be sold, transferred, used, or dealt with as Slaves, practiced or carried on, in, at, to or from any Part of the Coast or Countries of Africa, shall be, and the same is hereby utterly abolished, prohibited, and declared to be unlawful; and also that all and all manner of dealing, either by way of Purchase, Sale, Barter, or Transfer, or by means of any other Contract or Agreement whatever, relating to any Slaves, or to any Persons being removed or transported either immediately or by Trans-shipment at Sea or otherwise, directly or indirectly from Africa or from any island, Country, Territory, or Place whatever, in the West Indies, or in any part of America, not being in the Dominion, Possession, or Occupation of His Majesty, to any other island, Country, Territory, or place whatever, in like Manner utterly abolished, prohibited, and declared to be unlawful; and if any of His majesties Subjects, or any Person or persons resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, or in His Majesties Occupation or Possession, shall, from and after the Day aforesaid, by him or themselves, or by his or their Factors or Agents or otherwise howsoever , deal or trade in, purchase, sell, barter, or transfer, or contract or agree for the dealing or trading in, purchasing, selling, bartering, or transferring of any Slave or Slaves, or any Person or persons intended to be sold, transferred, used, or dealt with as a Slave or Slaves contrary to the Prohibitions of this Act, he or they so of-

fending shall forfeit and pay for every such Offence the Sum of One hundred Pounds of lawful Money of Great Britain for each and every Slave so purchased, sold, bartered, or transferred, or contracted or agreed for as aforesaid, the One Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of any Person who shall inform, sue, and prosecute for the same.

II. And be it further enacted, that from and after the said First Day of May One Thousand Eight Hundred and Seven, it shall be unlawful for any of His Majesty's Subjects, or any Person or persons resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, or in His Majesty's Possession or Occupation, to fit out, man, or navigate, or to procure to be fitted out, manned, or navigated, or to be concerned in the fitting out manning, or navigating, or in the procuring to be fitted out, manned, or navigated, any Ship or Vessel for the Purpose of assisting in, or being, employed in the carrying on of the African Slave Trade, or in any other the Dealing, Trading, or Concerns hereby prohibited and declared to be unlawful, and every Ship or Vessel which shall, from and after the Day aforesaid, be fitted out, manned, navigated, used, or employed by any such Subject or Subjects, person or Persons, or on his or their Account, or by his or their Assistance or procurement for any of the Purposes aforesaid, and by this Act prohibited, together with all her Boats, Guns, Tackle, Apparel, and Furniture, shall become forfeited, and may and shall be seized and prosecuted as herein-after is mentioned and provided.

III. And be it further enacted, That from and after the said First Day of May, One thousand eight hundred and seven, it shall be unlawful for any of His Majesty's Subjects, or any Person or persons, resident in this United Kingdom, or in any of the Colonies, Territories, or Dominions thereunto belonging or in His Majesty's Possession, or Occupation, to carry away or remove, or knowingly and willfully to procure, aid, or assist in the carrying away or removing, as Slaves, or for the purpose of being sold, transferred, used, or dealt with as Slaves, any of the Subjects or Inhabitants of Africa, or any Island, Country, Territory, or place in the West Indies, or any part of America whatsoever, not being in the Dominion , Possession, or Occupation of his Majesty, either immediately or by Trans-shipment at Sea or otherwise, directly or indirectly from Africa or from any such island, Country, Territory, or place as aforesaid, to any other island, Country, Territory, or place whatever, and that it shall also be unlawful for any of His Majesty's Subjects, or any Person or Person's resident in this United Kingdom, or in any of the Colonies, Territories, or Dominions thereunto belonging, or in His Majesty's Possession or Occupation, knowingly and willfully to receive, detain, or confine on board, or to be aiding, assisting, or concerned in the receiving, detaining, or confining on board of any Ship or Vessel whatever, any such Subject or Inhabitants aforesaid, for the Purpose of his or her being so carried away or removed as aforesaid, or of his or her being sold, transferred used, or dealt with as a Slave, in any Place or Country whatever; and if any Subject or Inhabitant, Subjects or Inhabitants of Africa, or of any Island, Country, Territory, or Place in the West Indies or America, not being in the Dominion, Possession, or Occupation of His Majesty, shall from and after the Day aforesaid, be so unlawfully carried away or removed, detained, confined, trans-shipped, or received on board of any Ship or Vessel belonging in the Whole or in Part to, or employed by any Subject of His Majesty, or Person residing in His Majesty's Dominions or Colonies, or any Territory belonging to or in the Occupation of His Majesty, for any of the unlawful Purposes aforesaid, contrary to the Force and Effect, true Intent and Meaning of the Prohibitions in this Act contained, every such ship or Vessel in which any such person or Persons shall be so unlawfully carried away or removed, detained, confined, trans-shipped, or received on board for any of the said unlawful Purposes, together with all her Boats, Guns, tackle, Apparel, and Furniture, shall be forfeited, and all Property or pretended Property in any Slaves or Natives of Africa so unlawfully carried away or removed, detained, confined, trans-shipped or received on board, shall also be forfeited, and the same respectively shall and may be seized and prosec-

uted as herein-after is mentioned and provided; and every Subject of His Majesty, or Person resident within this United Kingdom, or any of the Islands, Colonies, Dominions, or Territories thereto belonging, or in His Majesty's Possession or Occupation who shall, as Owner, part Owner, Freighter or Shipper, Factor or Agent, Captain, Mate, Supercargo, or Surgeon, so unlawfully carry away, or assisting, detain, confine, trans-ship, or receive on board, or be aiding or assisting in the carrying away, removing, detaining, confining, trans-shipping, or receiving on board for any of the unlawful Purposes aforesaid, any such Subject or Inhabitant of Africa, or of any Island, Country, Territory, or Place, not being in the Dominion, Possession, or Occupation of His Majesty, shall forfeit and pay for each and every Slave or person so unlawful carried away, removed, detained, confined, trans-shipped, or received on board, the Sum of one hundred Pounds of lawful Money of Great Britain, One Moiety thereof to the Use of His Majesty, and the other Moiety to the Use of any Person who shall inform, sue, and prosecute for the same.

IV. And be it further enacted, That if any Subject or inhabitant, Subjects or Inhabitants of Africa, or of any Island, Country, Territory, or Place, not being in the Dominion, possession, or Occupation of his Majesty, who shall, at any Time from and after the Day aforesaid, have been unlawfully carried away or removed from Africa, or from any island, Country, Territory, or place, in the West Indies or America, not being in the Dominion, Possession, or Occupation of His Majesty, contrary to any of the Prohibitions or Provisions in this Act contained, shall be imported or brought into any island, Colony, Plantation, or territory, in the Dominion, possession, or Occupation of his Majesty, and there sold or disposed of as a Slave or Slaves, or placed, detained, or kept in a State of Slavery, such Subject or Inhabitant, Subjects or Inhabitants, so unlawfully carried away, or removed and imported, shall and may be seized and prosecuted, as forfeited to His Majesty, by such Person or persons, in such Courts, and in such Manner and Form, as any Goods or merchandize unlawfully imported into the same Island, Colony, Plantation, or Territory, may now be seized and prosecuted therein, by virtue of any Act or Acts of parliament now in force for regulating the Navigation and Trade of his Majesty's Colonies and Plantations, and shall and may, after his or their Condemnation, be disposed of in Manner herein-after mentioned and provided.

V. And be it further enacted, That from and after the said First Day of may One Thousand eight hundred and seven, all Insurances whatsoever to be effected upon or in respect to any of the trading, dealing, carrying, removing, trans-shipping, or other Transactions by this Act prohibited, shall be also prohibited and declared to be unlawful; and if any of His Majesty's Subjects, or any Person or Persons resident within this United Kingdom, or within any of the Islands, Colonies, Dominions, or Territories thereunto belonging, or in His Majesty's Possession or Occupation, shall knowingly and willfully subscribe, effect, or make, or cause or procure to be subscribed, effected, or made, any such unlawful Insurances or Insurance, he or they shall forfeit and pay for every such Offence the Sum of One hundred Pounds for every such Insurance, and also Treble the Amount paid or agreed to be paid as the Premium of any such Insurance, the One Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of any Person who shall inform, sue, and prosecute for the same.

VI. Provided always, That nothing herein contained shall extend, or be deemed or construed to extend, to prohibit or render unlawful the dealing or trading in the Purchase, Sale, barter, or Transfer, or the carrying away or removing for the Purpose of being sold, transferred, used, or dealt with as Slaves, or the detaining or confining for the Purpose of being so carried away or removed, of any Slaves which shall be exported, carried, or removed from Africa, in any Ship or Vessel which, on or before the said First Day of may One thousand eight hundred and seven, shall have been lawfully cleared out from Great Britain according to the

Law now in force for regulating the carrying of Slaves from Africa, or to prohibit or render unlawful the manning or navigating any such Ship or Vessel, or to make void any Insurance thereon, so as the Slaves to be carried therein shall be finally landed in the West Indies on or before the First Day of March One thousand eight hundred and eight, unless prevented by Capture, the Loss of the Vessel, by the Appearance of an Enemy upon the Coast, or other unavoidable Necessity, the Proof whereof shall lie upon the Coast, or other unavoidable Necessity, the proof whereof shall lie upon the Party charged; any Thing herein-before contained to the contrary notwithstanding.

VII. And whereas it may happen, That during the present or future Wars, Ships or Vessels may be seized or detained as Prize, on board whereof Slaves or natives of Africa, carried and detained as Slaves, being the Property of His Majesty's Enemies, or otherwise liable to Condemnation as Prize of War, may be taken or found, and it is necessary to direct in what manner such Slaves or natives of Africa shall be hereafter treated and disposed of: And whereas it is also necessary to direct and provide for the Treatment and Disposal of any Slaves or natives of Africa carried, removed, treated or dealt with as Slaves, who shall be unlawfully carried away or removed contrary to the Prohibitions aforesaid, or any of them, and shall be afterwards found on board any Ship or Vessel liable to Seizure under this Act, or any other Act of parliament made for restraining or prohibiting the African Slave Trade, or shall be elsewhere lawfully seized as forfeited under this or any other such Act of Parliament as aforesaid; and it is expedient to encourage the Captors, Seizors, and Prosecutors thereof; be it therefore further enacted. That all Slaves and all Natives of Africa, treated, dealt with, carried, kept, or detained as Slaves which shall at any Time from and after the said First Day of may next be seized or taken as Prize of War, or liable to Forfeiture, under this or any other Act of Parliament made for restraining or prohibiting the African Slave Trade, shall and may, for the Purposes only of Seizure, Prosecution, and Condemnation as Prize or as Forfeitures, be considered, treated, taken, and adjudged as Slaves and property in the same manner as Negro Slaves have been heretofore considered, treated, taken, and adjudged, when seized as Prize of War, or as forfeited for any Offence against the Laws of Trade and Navigation respectively, but the same shall be condemned as Prize of War, or as forfeited to the sole Use of His Majesty, His Heirs and Successors, for the Purpose only of divesting and bearing all other Property, Right, Title, or Interest whatever, which before existed, or might afterwards be set up or claimed in or to such Slaves or natives of Africa to seized, prosecuted, and condemned; and the fame nevertheless shall in no case be liable to be sold, disposed of, treated or dealt with as Slaves, by or on the Part of His Majesty, His Heirs or Successors, or by or on the Part of any Person or persons claiming or to claim from, by, or under His Majesty, His Heirs and Successors, or under or by force of any such Sentence or Condemnation: Provided always, that it shall be lawful for His Majesty, His Heirs and Successors, and such Officers, Civil or Military, as shall, by any General or Special Order of the King in Council, be from Time to Time appointed and empowered to receive, protect, and provide for such Natives of Africa as shall be so condemned, either to enter and enlist the same, or any of them, into His Majesty's Land or Sea Service, as Soldiers, Seamen, or Marines, or to bind the same, or any of them, whether of full Age or not, as Apprentices, for any Term not exceeding Fourteen Years, to such Person or Persons, in such Place or Places, and upon such Terms and Conditions, and subject to such Regulations, as to His Majesty shall seem meet, and shall by any General of Special Order of His Majesty in Council be in that Behalf directed and appointed; and any Indenture of Apprenticeship duly made and executed, by any Person or person to be for the Purpose appointed by any such Order in Council, for any Term not exceeding Fourteen Years, shall be of the same Force and Effect as if the party thereby bound as an Apprentice had himself or herself, when of full Age upon good Consideration, duly executed the same; and every such Native of Africa who shall be so enlisted or entered as aforesaid into any of

His Majesty's Land or Sea Forces as a Soldier, Seaman, or Marine, shall be considered, treated, and dealt with in all respects as if he had voluntarily so enlisted or entered himself.

VIII.Provided also, and be it further enacted, That where any Slaves or Natives of Africa, taken as Prize or War by any of His Majesty's Ships of War, or privateers duly commissioned, shall be finally condemned as such to His Majesty's Use as aforesaid, there shall be paid to the Captors thereof by the Treasurer of His Majesty's Navy, in like Manner as the Bounty called Head Money is now paid by virtue of an Act of Parliament, made in the Forty-fifth Year of His Majesty's Reign, intituled, An Act for the Encouragement of Seamen, and for the better and more effectually manning His Majesty's Navy during the present War, such Bounty as His Majesty, His Heirs and Successors, shall have directed by any Order in Council, so as the same shall not exceed the Sum of Forty Pounds lawful Money of Great Britain for every Man, or Thirty Pounds of like Money for every Woman, or Ten Pounds of like Money for every Child or Person not above Fourteen Years old, that shall be so taken and condemned, and shall be delivered over in good Health to the proper Officer or Officers, Civil or Military, so appointed as aforesaid to receive, protect, and provide for the same; which Bounties shall be divided amongst the Officers, Seamen, Marines, and Soldiers on Board His Majesty's Ships of War, or hired armed Ships, in Manner, Form, and proportion, as by His Majesty's Proclamation for granting the Distribution of Prizes already issued, or to be issued for the Purpose is or shall be directed and appointed, and amongst the Owners, Officers, and Seamen of any private Ship or Vessel of War, in such Manner and Proportion as, by an Agreement in Writing that they shall have entered into for that Purpose, shall be directed.

IX. Provided always, and be it further enacted, That in order to entitle the Captors to receive the said Bounty Money, the Numbers of men, Women, and Children, so taken, condemned, and delivered over, shall be proved to the Commissioners of His Majesty's Navy, by producing, instead of the Oaths and Certificates prescribed by the said Act as to Head Money, a Copy, duly certified, of the Sentence or Decree of Condemnation, whereby the Numbers of men, Women, and Children, so taken and condemned, shall appear to have been distinctly proved; and also, by producing a Certificate under the Hand of the said Officer or Officers, Military or Civil, so appointed as aforesaid, and to whom the same shall have been delivered, acknowledging that he or they hath or have received the same, to be disposed of according to His Majesty's Instructions and regulations as aforesaid.

X. Provided also, and be it further enacted, That in any Cases in which Doubts shall arise whether the party or parties claiming such Bounty Money is or are entitled thereto, the same shall be summarily determined by the Judge of the High Court of Admiralty, or by the Judge of any Court of Admiralty in which the prize shall have been adjudged, subject nevertheless to an Appeal to the lord Commissioners of Appeals in Prize Causes.

XI. Provided also, and be it further enacted, That on the Condemnation to the Use of his Majesty, His heirs and Successors, in Manner aforesaid, of any Slaves or Natives of Africa, seized and prosecuted as forfeited for any Offence against this Act, or any other Act of Parliament made for the restraining or prohibiting the African Slave Trade (except in the Case of Seizures made at Sea by the Commanders or Officers of His Majesty's Ships or Vessels or War) there shall be paid to and to the Use of the Person who shall have sued, informed, and prosecuted the same to Condemnation, the Sums of Thirteen Pounds lawful Money aforesaid for every Man, of Ten Pounds like Money for every Woman, and of Three Pounds like Money for every Child or person under the Age of Fourteen Years, that shall

be so condemned and delivered over in good Health to the said Civil or military Officer so to be appointed to receive, protect, and provide for the same, and also the like Sums to and to Use of the Governor or Commander in Chief of any Colony or plantation wherein such Seizure shall have been made; but in Cases of any such Seizures made at Sea by the Commanders or Officers of His Majesty's Ships or Vessels of War, for Forfeiture under this Act, or any other Act of Parliament made for the restraining or prohibiting the African Slave Trade, there shall be paid to the Commander of Officer who shall so seize, inform, and prosecute for every man so condemned and delivered over, the Sum of Twenty Pounds like Money, for every Woman the Sum of Fifteen Pounds like Money, and for every Child or person under the Age of Fourteen Years the Sum of Five Pounds like Money, subject nevertheless to such Distribution of the said Bounties or rewards for the said Seizures made at Sea as His Majesty, His Heirs and Successors, shall think fit to order and direct by any other Order of Council made for that Purpose; for all which Payments so to be made as Bounties or rewards upon Seizures and Prosecutions for Offences against this Act, or any other Act of Parliament made for restraining the African Slave Trade, the officer or Officers, Civil or Military, so to be appointed as aforesaid to receive, protect, and provide for such Slaves or Natives of Africa so to be condemned and delivered over, shall, after the Condemnation and Receipt thereof as aforesaid, grant Certificates in favour of the Governor and Party seizing, informing, and prosecuting as aforesaid respectively, or the latter alone (as the Case may be) addressed to the Lords Commissioners of his Majesty's Treasury; who, upon the Production to them of any such Certificate, and of an authentic Copy, duly certified, of the Sentence of Condemnation of the said Slaves or Africans to His Majesty's Use as aforesaid, and also of a Receipt under the Hand of such Officer or Officers so appointed as aforesaid, specifying that such Slaves or Africans have by him or them been received in good Health as aforesaid, shall direct Payment to be made from and out of the Consolidated Fund of Great Britain of the Amount of the Monies specified in such Certificate, to the lawful Holders of the fame, or the Persons entitled to the Benefit thereof respectively.

XII. And be it further enacted, That if any Person shall willfully and fraudulently forge or counterfeit any such Certificate, Copy of Sentence of Condemnation, or Receipt as aforesaid, or any Part thereof, or shall knowingly and willfully utter or publish the same, knowing it to he forged or counterfeited, with Intent to defraud His Majesty, His Heirs and Successors, or any other Person or Persons whatever, the Party so offending shall, on Conviction, suffer Death as in Cases of Felony, without Benefit of Clergy.

XIII. And be it further enacted, That the several Pecuniary Penalties or Forfeitures imposed and inflicted by this Act, shall and may be sued for, prosecuted, and recovered in any Court of Record in Great Britain, or in any Court of Record or Vice Admiralty in any Part of His Majesty's Dominions wherein the Offence was committed, or where the Offender may be found after the Commission of such Offence; and that in all Cases of Seizure of any Ships, Vessels, Slaves or pretended Slaves, Goods or Effects, for any Forfeiture under this Act, the same shall and may respectively be sued for; prosecuted and recovered in any Court of Record in Great Britain or in any Court of Record or Vice Admiralty in any Part of His Majesty's Dominions in or nearest to which such Seizures may be made, or to which such Ships or Vessels, Slaves or pretended Slaves, Goods or Effects (if seized at Sea or without the Limits of any British Jurisdiction) may most conveniently be carried for Trial, and all the said Penalties and Forfeitures, whether pecuniary or specific (unless where it is expressly otherwise provided for by this Act) shall go and belong to such Person and Persons in such Shares and Proportions, and shall and may be sued for and prosecuted, tried, recovered, distributed, and applied in such and the like Manner and by the same Ways and Means, and subject to the same Rules and Directions, as any Penalties or Forfeitures incurred in Great

Britain, and in the British Colonies or Plantations in America respectively, by force of any Act of Parliament relating to the Trade and Revenues of the said British Colonies or Plantations in America, now go and belong to, and may now be sued for, prosecuted, tried, recovered, distributed and applied respectively in Great Britain or in the said Colonies or Plantations respectively, under and by virtue of a certain Act of Parliament made in the Fourth Year of His present Majesty, intituled: An Act for granting certain Duties in the British Colonies and Plantations in America, for continuing amending, and making perpetual an Act passed in the Sixth Year of the Reign of His late Majesty King George the second, intituled: An Act for the better securing and encouraging the 'Trade of His Majesty's Sugar Colonies in America; for applying the Produce of such Duties to arise by virtue of the said Act towards defraying the Expences of defending, protecting, and securing the said Colonies and Plantations; for explaining an Act made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled: An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation trade, and for altering and disallowing several Drawbacks on Exports from the Kingdom, and more effectively presenting the clandestine Conveyance of Goods to and from the said Colonies and plantations, and improving and securing the Trade between the same and Great Britain.

XIV. And be it further enacted, That all Ships and Vessels, Slaves or Natives of Africa, carried, conveyed, or dealt with as Slaves, and all other Goods and. Effects that shall or may become forfeited for any Offence committed against this Act, shall and may be seized by any Officer of His Majesty's Customs or Excise, or by the Commanders or Officers of any of His Majesty's Ships or Vessels of War, who, in making and prosecuting any such Seizures, shall have the Benefit of all the Provisions made by the said Act of the Fourth Year of His present Majesty, or any other Act of Parliament made for the Protection of Officers seizing and prosecuting for any Offence against the said Act, or any other Act of Parliament relating to the Trade and Revenues of the British Colonies or Plantations in America.

XV. And be it further enacted, That all Offences committed against this Act may be inquired of, tried, determined, and dealt with as Misdemeanors, as if the fame had been respectively committed within the Body of the County of Middlesex.

XVI. Provided also, and be it further enacted, That it shall and may be lawful for his Majesty in Council, from Time to Time to make such Orders and Regulations for the future Disposal and Support of such Negroes as shall have been bound Apprentices under this Act, after the term of their Apprenticeship shall have expired, as to His Majesty shall seem meet, and as may prevent such Negroes from becoming at any Time chargeable upon the Island in which they shall have been so bound Apprentices as aforesaid.

XVII. Provided always, and be it further enacted, That none of the Provisions of any Act as to enlisting for any limited Period of Service, or as to any Rules or Regulations for the granting any Pensions or Allowances to any Soldiers discharged after certain Periods of Service, shall extend, or be deemed or construed in any Manner to extend, to any Negroes so enlisted and serving in any of His Majesty's Forces.

XVIII. And be it further enacted, That if any Action or Suit shall be commenced either in Great Britain or elsewhere, against any Person or Persons for any Thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in

Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs and have the like Remedy for the same, as Defendants have in other Cases by Law.

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